

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alastair Hodges et al.

Application No: 10/079,063

Filing Date: February 19, 2002

Entitled: **HEATED ELECTROCHEMICAL
CELL**

Atty. Docket No: 104978-232

Group Art Unit: 1753

Examiner: Alexander Noguerola

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

November 18, 2004

By:

Date of Signature and Mail Deposit

Kevin Cronin, Reg. No. 47,203

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

LifeScan, Inc. states that it is the assignee of the entire right, title, and interest in the above-referenced U.S. Patent Application No. 10/079,063, filed on February 19, 2002 for "Heated Electrochemical Cell," and in U.S. Patent No. 6,475,360 of Hodges et al., by virtue of the following:

- (1) an Assignment of the parent application, 09/659,470 now U.S. Patent No. 6,475,360, of Application No. 10/079,063 recorded at Reel 011443, Frame 0221 from all inventors to USF Filtration and Separations Group, Inc.;
- (2) an Assignment of Application No. 09/659,470, now U.S. Patent No. 6,475,360, recorded at Reel 013221, Frame 0777 from USF Filtration and Separations Group, Inc. to LifeScan, Inc.; and
- (3) an Assignment of Application No. 10/079,063 recorded at Reel 013657, Frame 0001 from USF Filtration and Separations Group, Inc. to LifeScan, Inc.

The owner, LifeScan., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,475,360, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,475,360, this agreement to run

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with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The owner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of United States Patent No. 6,475,360 in the event that this patent later lapses for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned has reviewed the evidentiary documents pertaining to the rights of owner to file this Disclaimer and certifies that, to the best of his knowledge and belief, title to the above-identified application is in the owner. The undersigned, as an attorney of record for the owner, is authorized to execute this document on behalf of the owner.

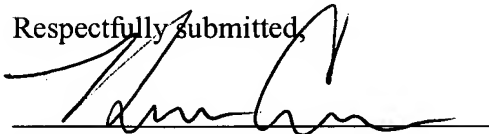
The undersigned has reviewed the evidentiary documents pertaining to the rights of owner to file this disclaimer and certifies that, to the best of his knowledge and belief, title to the above-identified application is in the owner. The undersigned, as an attorney of record for the owner, is authorized to execute this document on behalf of the owner.

A check in the amount of \$110.00, due pursuant to 37 CFR § 1.20(d), is enclosed herewith. The Commissioner is further authorized to charge any additional fees due to Deposit Account No. 141449 (reference number 104978-232).

Dated: November 18, 2004

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Respectfully submitted,



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